

LIBELED: 2-12-59, E. Dist. N.C.

CHARGE: 402(a) (3)—contained insects and rodent hairs while held for sale.

DISPOSITION: 4-30-59. Default—destruction.

25466. Rice. (F.D.C. No. 42935. S. Nos. 38-846/52 P.)

QUANTITY: 71 50-lb. bags and 596 100-lb. bags at Fresno, Calif., in possession of Colonial Van & Storage Co.

SHIPPED: Between 12-16-57 and 2-27-59, from Stuttgart, Ark., and Houston, Tex.

LIBELED: 4-14-59, S. Dist. Calif.

CHARGE: 402(a) (3)—contained rodent urine and insects; and 402(a) (4)—held under insanitary conditions.

DISPOSITION: 5-12-59 and 5-28-59. Martin Berberian, t/a Marbro Food Products, Fresno, Calif., having appeared as claimant for 300 100-lb. bags of the article, and Ed Otani, t/a San Joaquin Mercantile Co., Reedley, Calif., having appeared as claimant for the remainder of the article, and the claimants having consented to the entry of decrees, judgments of condemnation were entered and the court ordered that the articles be released under bond for the purpose of segregating the good portion from the bad. As a result of the segregation operations, 71 50-lb. bags and 193 100-lb. bags were found unfit and were denatured for use as animal feed.

25467. Rice. (F.D.C. No. 42867. S. No. 48-062 P.)

QUANTITY: 13 100-lb. bags at South Boston, Mass.

SHIPPED: 3-26-58, from Houston, Tex.

LIBELED: 3-3-59, Dist. Mass.

CHARGE: 402(a) (3)—contained insect larvae and rodent excreta pellets while held for sale.

DISPOSITION: 4-30-59. Default—delivered to a public institution, for use as animal feed.

25468. Wheat. (Inj. No. 320.)

COMPLAINT FOR INJUNCTION FILED: 11-22-57, W. Dist. Okla., against Kaw Grain Co., Inc., Kaw City, Okla., and Edward Johnston, president, and Paul Johnston, vice president.

CHARGE: The complaint alleged that the defendants were engaged in operating a grain elevator for the storage and distribution of wheat for human consumption, and that the defendants were causing to be introduced into interstate commerce, at Kaw City, Okla., wheat which was adulterated within the meaning of 402(a) (4) by reason of being held under insanitary conditions.

It was alleged further that the insanitary conditions resulted from and consisted of the storage of wheat in bins which were accessible to rodents and birds; the presence of insects, bird excreta, and rodent excreta pellets in the wheat; rodent excreta pellets and live insects in various parts of the elevator and bins; unscreened windows in the elevator; live birds and bird excreta droppings in the headhouse of the elevator; live rats and rat burrows around the foundations of the elevator; and accumulations of dust and old grain in the elevator.

The complaint alleged further that the defendants were well aware that their activities were violative of the Act; that various inspections had been

made by the Food and Drug Administration, at which times the insanitary conditions in the plant were called to the attention of the defendants; and that despite such warnings, the defendants failed to correct the insanitary conditions and continued to introduce into interstate commerce, wheat which was adulterated as specified above.

DISPOSITION: On 11-22-57, the court issued a temporary restraining order enjoining the defendants from introducing into interstate commerce, wheat which was adulterated as described in the complaint.

On 12-19-57, the defendants having consented to the entry of a decree of permanent injunction insofar as it pertained to the grain elevator designated as grain elevator No. 2, Kaw City, Okla., the court entered a decree permanently enjoining and restraining the defendants from introducing into interstate commerce, wheat for human consumption and any similar article held in Elevator No. 2, Kaw City, Okla., unless and until the following acts were done:

(a) The elevator was thoroughly cleaned, renovated, and rendered suitable for the storage of wheat for human consumption and any similar article; all rodent, bird, and insect filth, and other filth was removed from the elevator and the equipment used in storing the article was cleaned; all rodent, bird, and insect infestation in the elevator was eliminated; the means of ingress and egress by rodents, birds, and insects were closed by repairing the foundations of the elevator and by installing screening on all windows; tops to the elevator bins used in the storage of such food were installed so as to prevent the entry of rodents, birds, and insects into such bins, and other similar insanitary conditions were eliminated;

(b) All of the wheat for human consumption on hand in the elevator at the time the elevator was cleaned, renovated, and rendered suitable for the storage of food for human consumption, was destroyed, denatured for use as animal feed, or cleaned and otherwise reconditioned, and brought into compliance with the Act under the supervision of a representative of the Food and Drug Administration, with all costs of the supervision to be borne by the defendants; and

(c) An inspection was made of the elevator by a representative of the Food and Drug Administration, and a report made to the court, showing that the above-described insanitary conditions no longer existed and that the wheat described in paragraph (b), above, had been destroyed, denatured, or brought into compliance with the law.

It was shown subsequently that the defendants had corrected the insanitary conditions at their grain elevator No. 2 at Kaw City, Okla., and accordingly the court, on 9-2-58, entered an order permitting the shipment of wheat in interstate commerce from such elevator.

25469. Wheat. (F.D.C. No. 41228. S. No. 68-048 M.)

QUANTITY: 80,000 lbs. at Kansas City, Kans.

SHIPPED: 12-7-57, from Liberty, Nebr., by Ryle Elevator.

LBELED: 12-20-57, Dist. Kans. .

CHARGE: 402(a) (3)—contained rodent pellets when shipped.

DISPOSITION: 1-11-58. Consent—claimed by Root Grain Co. Segregated; 680 lbs. destroyed.